

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
February 26, 2007**

BOARD MEMBERS PRESENT: Lane Adamson, Dorothy Davis, Kathy Looney, Dave Maddison, Ann Schwend, Pat Bradley, John Lounsbury, Eileen Pearce and Ed Ruppel.

BOARD MEMBERS ABSENT: Laurie Schmidt and Bill Olson.

OTHERS PRESENT: Ted Coffman, Nick Gevock, Tom Henesh, Jeff Burrell, Darren Long, Chuck Melber, Larry Pine, Ron Schwend, Steve Hulse, Debi Anderson, Vicki J. Kelly, Steve Thumlert, Timothy Patterson, Tom Collopy, Phillip Nye, Paul McMullin, Jan Murphy, Frank Colwell, Rob Miller, Planning Director Doris Fischer, Planner 1 Staci Beecher and Secretary Marilee Foreman Tucker.

President's Comments: Welcome to everyone and please sign in.

Public Comment: None

MOTION: To approve the minutes of the January 29, 2007 meeting with one correction.
Moved by: Kathy Looney, **seconded by:** Dorothy Davis. **All voted aye.**

A Wildlife Conservation Assessment of the Madison Valley, Montana- Jeff Burrell, Wildlife Conservation Society. Presentation and Discussion.

Jeff Burrell performed a power point presentation which coincided with the society's publication *A Wildlife Conservation Assessment of the Madison Valley, Montana*. Copies of the publication and its summary were available for anyone requesting them. He stated that anyone wanting to discuss the content is welcome to visit their office or call him as well.

Highlights of his presentation:

- Montana FWP contacted WCS and asked them to conduct their study.
- Brief history was given as to the origin of the Society, beginning as New York Zoological Society in 1897 and now including 350 offices around the world. The Jackson Hole Park and Biological Research Station was formed by the Society in 1946.
- Current projects include a study of the impact of energy development on Pronghorn in the Green River drainage in Wyoming, the connection for carnivorous wildlife between the Salmon-Selway of Idaho and Yellowstone National Park.
- The Madison Valley is considered to be one of the most ecologically intact valleys in the Greater Yellowstone region.
- The Wildlife Conservation Society partnered with many entities on the assessment of the Madison Valley. Some of the partners were Montana Fish, Wildlife and Parks; Bureau of Land Management; Madison Valley Ranchlands; United States Forest Service and many others.
- The assessment looked at the effects of residential development on wildlife. Loss of habitat and degradation of it and connectivity for migration were the biggest effects.
- There are 480 vertebrate species in the Madison Valley.
- Their study compared the biological landscape and that landscape after human influences.
- When the carrying capacity of the land goes down, the population of the species affected goes down.

- Noise, lights and traffic are conditions which are detrimental to wildlife. They spend less time foraging because of the distractions.
- For determining the focal species in the assessment, they considered 5 tests for the wildlife: area occupied, vulnerability of that area, socio-economic significance of the animal (ie. elk, deer hunting), heterogeneity and functionality.
- The study ended up focusing on 15 species.
- Pronghorn are sensitive to roads and fencing in subdivisions and elsewhere.
- Grasslands play an important role as winter range for elk and pronghorn. Missouri Flats area of the south Madison is an area where Pronghorn have lost significant habitat. Sagebrush and riparian areas were listed as very important habitats as well.
- The study considered *potential* habitat and then *effective* habitat.
- Prognosis on big predators is that generally they are expanding in population. Grizzlies are expanding from the Greater Yellowstone Region to the Salmon-Selway, and cougar are expanding in the opposite direction. Wolves are very successfully expanding in many areas. "Success" is a word that has varying interpretations.
- The Norris Hill is an important connector for wildlife migration, as are the south Madison and Missouri Flats.
- Human influence in subdivisions has a critical effect on the focal species.
- Wildlife friendly fencing, avoidance of riparian areas and maintenance of sagebrush areas are guidelines that the Planning Board can employ to help wildlife.
- Due to the growth in the Big Sky area, wildlife are being pushed into the valleys. There has been a loss of connectivity in the migration routes of wildlife between the Spanish Peaks mountain range and the Madison Range.

PRELIMINARY PLAT REVIEW OF STAGECOACH TRAIL MINOR SUBDIVISION, Ennis (Phillip Nye, landowner)

Staci described this as a division of Lot 28 in Virginia City Ranches into 3 lots, and located about 5 miles SW of Ennis. She also mentioned that there may be a need for a fair share agreement for improvements Old VC Highway and Eight Mile Creek Road. She reported that we had also received additional email input from Joe Husar, Madison County Risk Management Specialist.

Discussion Points:

- What will be done to lower the fire hazard? *Additions to the protective covenants in which defensible space, roofing materials, non-combustible building materials to be used and a water source for fire fighting will be addressed.*

MOTION: To recommend approval with conditions outlined by Staci. Moved by: Dave Maddison, **seconded by:** Ed Ruppel. **All voted aye.**

PLANNING BOARD RECOMMENDATION

Based on the subdivision application, staff report, February 26th public meeting and subsequent review and discussion, the Planning Board recommends preliminary plat approval be granted to the Stagecoach Trail Minor Subdivision, subject to the conditions listed below.

[Standard conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.

2. A notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. Road and utility easements shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

[Additional site-specific conditions]

6. Prior to any construction requiring sanitation, a Madison County septic permit must be obtained for the lot being developed.
7. Prior to final plat approval, each lot must be assigned a *temporary* physical address in accordance with Madison County’s rural addressing and Emergency 911 system. Individual address signs shall be installed once permanent addresses are assigned.
8. Encroachment permits for any driveways off of the Old Virginia City Highway shall be recorded at or before the time of final plat approval.
9. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) esignated by Madison County to upgrade and/or maintain the Old Virginia City Highway or Eight Mile Creek Road.
10. Prior to final plat approval, an underground cistern with a 10,000-gallon capacity should be installed on-site, at a location acceptable to the Madison Valley Rural Fire District. Maintenance of the cistern and its above ground connection should be the responsibility of the subdivision lot owners. In the event that the underground cistern and other such required improvements are not completed prior to the final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee (see Subdivision Regulations, Appendix M.) shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the Letter of Credit shall be 125% of the engineer’s estimated cost for the improvements. Any letter of credit must cover the time period needed to complete project improvements.
11. Prior to final plat approval, the subdivider shall consult with the County Road Supervisor to learn if any improvements for the Old Virginia City Highway and/or Eight Mile Creek Road are needed. If road improvements are planned and some of them are deemed necessary for the subdivision, the subdivider may need to submit a fair-share payment to the County as calculated by the Road Supervisor.

OLD BUSINESS

Madison Growth Solutions Process

Lane reported that the group is trying to work with feedback on the Madison Valley Action Plan. They will try to bring the revised product to the Planning Board at the next meeting to eventually be

included in the County's Growth Policy. The revised Madison Valley Action Plan will go to the County Commissioners, who will then hold a public hearing.

Montana Legislative Session

Doris handed out a summary of planning based bills. To summarize:

- SB51- Gone to the House and has passed the Senate- Requires county growth policies to address high fire risk areas and strategies for mitigation.
- SB 110- Would allow 60 day period for citizen based/initiated zoning protest period.
- SB 201- Creates a huge incentive to plan sewer, water, roads up front. Very incentive oriented. Revision of subdivision law.
- SJ 26- Trigger interim study to look at land use planning and zoning law and make recommendation for change.
- SB 345- River setback bill proposed 250 minimum from a river and 100 feet from major tributaries.

Ann described some of the water related legislation in the works:

- HB 708- Attempt to define the term "natural perennial flowing stream". Has been tabled.

PUBLIC HEARING AND PRELIMINARY PLAT REVIEW OF SHADOW RIDGE SUBDIVISION, Ennis (Cedar Lane, LLC, landowner)

President Ann Schwend stepped down and Vice President John Lounsbury presided to avoid any hint of conflict of interest as Ron Schwend was present to co-represent the Shadow Ridge project for Gateway Engineering.

Doris showed maps and described the project as being 2.5 miles SW of Ennis on the north side of MT Hwy. 287. It comprises 165 acres with 51 single family residential lots with a potential for 4 affordable housing lots with multiple housing units. A possible total of 71 total units is possible. Doris corrected her staff report to show that noxious weed control is addressed in the proposed covenants, and to recommend the designation of one or more school bus stop locations within the development.

Doris also mentioned the wildlife corridor that had been negotiated with Pronghorn Meadows on their property to accommodate habitat and mobility of Pronghorn. A letter from adjacent property owner Tom Collopy was distributed to the Board.

Debi Anderson of Gateway Engineering responded to the proposed conditions outlined by Doris in which she mentioned problems with Conditions #12, 13, 15 and 16. She covered items mentioned that were already planned for in the development, such as test wells, school bus stops, signs at each entrance pertaining to the existence of wildlife etc.

Ron Schwend of Gateway Engineering mentioned that they were currently working on DEQ regarding drainage. He also said that they would not be allowing swimming pools as previously designed into the project. He said that the soils have clay characteristics, but they are still permeable.

Discussion Points:

- Is fencing intended to fence out other animals (livestock) and will it be built by the subdivider? Yes.
- Will swimming pools be allowed? No.
- Neighboring landowner Tom Collopy added that the gravel pit next door is an active one, and is permitted to 2019. It is noisy and dusty, and lot buyers should be aware of that.

- What is the developer's reaction to the conditions set forth by the planning staff? *Debi Anderson- She mentioned that they were already planning to do the test wells as suggested in condition #6, and revised language in condition #7 is ok. Condition #8 was planned for with bus stops for school children. She is in agreement with condition #10 regarding the construction of roads, and had already gotten the wetland disturbance permits as required in condition #11. She wanted more leeway regarding condition #12 and the requirement of fire fill facilities. She mentioned that they wanted to allow earth homes with daylight basements and that homesites on slopes in excess of 25' must have soil stability testing approved prior to construction. She agreed with condition #14 in which they would confer with NRCS and FWP for their open space management plan. She was most concerned about condition #15 which sets aside a corridor for the Pronghorn with a 400-500' no-build area. She asked that this condition be removed as well as condition #16 which required a cultural resources study.*
- There have been dry wells in that area. Will you give the lot buyer his money back if his well is dry? *There could be a couple of options in this instance.*
- What is the planner's reaction to the developer's suggestions regarding the conditions? *We could revise conditions #7, 12 and 13 and retain #14, 15 and 16 as written.*
- Could two lots share a well? *Subdivider and board members determined this was not a good idea.*
- If the build-out of the project is \$200,000 for the average home, what is the estimated cost of affordable housing? *No standards have been established as yet. This will come once Madison County adopts a resolution targeting affordable housing projects to households of low-moderate income. The goal is that these households shouldn't pay more than 30% of their income on housing.*

MAIN MOTION: To recommend approval of the Shadow Ridge Preliminary Plat. Moved by: Dave Maddison, **seconded by:** Pat Bradley.

AMENDMENT TO THE MOTION: To recommend approval of the Shadow Ridge conditions as outlined by Doris, with revisions to #7, 12, and 13 as discussed by the Board. Moved by: Dave Maddison, **seconded by:** Eileen Pearce. **All voted aye.**

VOTE ON THE MAIN MOTION: All voted aye.

PLANNING BOARD RECOMMENDATION

Based on the subdivision application, staff report, February 26, 2007 public hearing, and subsequent review and discussion, the Planning Board recommends preliminary plat approval be granted to the Shadow Ridge Subdivision. Preliminary plat approval should allow for final plat to occur in two phases, if so desired by the subdivider. Phase I would apply to Lots 1-51, subject to the conditions listed below. Phase II would apply to Lots 52-55 and would allow up to 20 housing units, including condominiums, subject to the conditions listed below.

[Standard conditions]

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix T. of November 2000 Madison County Subdivision Regulations) must be filed with the final plat (One declaration can serve for both Phase I and Phase II).

3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. All road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

[Additional site-specific conditions]

6. Prior to final plat approval, the subdivider shall drill two test wells, conduct a 24-hour pump test, and include the new well logs and pump test data in the MT DEQ submittal. Prior to final plat approval, the Montana Department of Environmental Quality must approve the project for water and sewer. MT DEQ must also approve the project for stormwater drainage either prior to final plat approval, or prior to acceptance of an Improvements Agreement by Madison County (see Condition #10). In addition, well and drainfield locations shall be permanently staked prior to final plat approval.
7. The final plat shall include the following statement: "Prior to any construction requiring sanitation, the lot owner must first obtain a Madison County septic permit" (It is suggested that the covenants include this stipulation as well, since many lot owners may not actually see the recorded plat).
8. Prior to final plat approval, the Montana Department of Transportation shall issue an encroachment permit for each point of ingress/egress off of MT Hwy 287. In addition, the subdivider shall designate one or more locations within the development for busses to pick up and drop off school-aged children.
9. Prior to final plat approval, each lot must be assigned a *temporary* physical address that complies with the Madison County rural addressing and Emergency 911 system (Individual address signs may be installed once permanent addresses are assigned).
10. Prior to final plat approval, public access subdivision roads shall be constructed by the developer in compliance with the design standards outlined in the November 2000 Madison County Subdivision Regulations, as amended. The subdivision roads shall be classified as "level/rolling", unless both the Madison County Road Supervisor and Madison Valley Rural Fire Chief agree to the "mountainous" standard (See p. 47 of the regulations). Cul-de-sacs must be built with a 50' radius of finished road surface. Subdivision road signs (including wildlife alert signs) must be installed, and reseeding of disturbed areas must occur. All road maintenance, including but not limited to grading and snowplowing and removal, shall be the responsibility of the landowners, not Madison County. In the event that the roads and other such required improvements are not completed prior to the final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee (see Subdivision Regulations, Appendix M.) shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the financial guarantee shall be 125% of the engineer's estimated cost for the improvements. Any financial guarantee must cover the time period needed to complete project improvements.

11. Prior to final plat approval, the subdivider shall provide documentation that any required 404 wetland disturbance permits have been obtained.
12. Prior to final plat approval, the subdivider shall work with the Madison Valley RFD to provide fire fill facilities (minimum of 30,000 gallons) that meet the approval of the Madison Valley RFD. In the event that fill sites are not completed prior to the final plat submission, the facilities shall be covered in the Improvements Agreement described above.
13. The final plat shall include a statement as follows: "Homesites on slopes in excess of 15% or within 25 feet of slopes in excess of 15% must have soil stability testing completed and approved by a qualified engineer prior to construction" (It is suggested that the covenants include this stipulation as well, since many lot owners may not actually see the recorded plat).
14. Prior to final plat approval, the subdividers shall consult with the NRCS and FWP, and prepare an open space management plan. Said plan shall be recorded with the covenants.
15. A no-build area of 400-500' wide shall be indicated on the final plat, along the south boundary of the project and within the area generally covered by Lots 1-3, 6-10 on the preliminary plat.
16. Prior to final plat approval, the subdivider shall submit a cultural resources inventory prepared by a cultural resources specialist, and shall demonstrate that any recommendations stemming from the report have been implemented.
17. Lots 52-55 are approved for single-family, multi-family, or condominium housing that will meet the Madison County affordable housing guidelines. Prior to final plat approval, the administrative mechanism for ensuring the long-term affordability of these lots must be in place. If any portion of Lots 52-55 is a multi-family or condominium project, the final plat shall be accompanied by a site plan which provides areas for parking, landscaping, and outside storage (if permitted by the subdivider). In addition, in the event of a condominium project, the documents required by the Unit Ownership Act in Montana law shall be submitted to the County Planning Office.

PRE-APPLICATION REVIEWS

Bradley Creek Subdivision, Norris (Roberta & Tim Jackson and Tobacco Root Ranch, landowners. Jeriko Development, Inc., buyer)

Doris introduced the project as encompassing 3100 acres with 164 lots ranging from 2.5 to 295 acres. The land sits south of the Norris crossroads, on both sides of US Hwy. 287N. It is proposed to be done in 3 phases with building envelopes on less than 1 acre. She mentioned that a geological assessment would be required.

Tom Henesh, representing the developer, said that they plan to do a water (hydrology) study, will drill test wells, will protect the bottom land and keep stream crossings at a minimum. A traffic study, fire protection services study, and wetlands analysis will also be done. The core of the development would be around the existing buildings.

Discussion Points:

- Have you started building roads yet? No.

- It seems like you need more of a community with a community water system. *Nicklin is doing the water study and we are drilling 6, 8, and 10 wells. Original ranch site is going to be the community center of the property.*
- Houses seem awfully close to Burnt Creek. *There are no homes in the drainage area.*
- There doesn't seem to be a sense of a community with this project. The connectivity for wildlife is a concern too. This is distressing. There need to be some guidelines.
- Sometime we need to move away from individual wells and septic systems.
- Pronghorn Meadows still doesn't have a sense of community.
- As your eye moves away from the cluster, will you see rows of houses? *We will be staying off of the ridges.*
- Will hydrology study look at community water and sewer? Yes.
- How old is the barn on the core property? *Don't know.*
- Will fire response look at emergency medical response too? Yes.
- Have you done a wildlife assessment? *We have tried to talk with Jourdonnais (Craig Jourdonnais of FWP), Kurt Alt or Bob Brannon (of the same).*
- Is there the potential to drill wells and affect Norris Hot Springs? *It's always a potential.*
- Have you talked with Harrison School? *Haven't heard from them yet.*
- Have you considered types of fencing? *Wildlife friendly.*
- Have you talked with the Wildlife Conservation Society? *That is a general study.*
- Doris- The study findings are applicable to specific sites.
- Norris is a crossroads. Picturing a great deal of potential traffic, not many support services in the area. This doesn't sound like a community. There's no plan in this. This could create sprawl with a lot of traffic added to the highway. This is a long way from Bozeman to try to have affordable housing. Are you discussing this with Montana Department of Highways? *Yes. Sometimes their input depends on location. We know we need answers to these questions.*

Amended Plat of Summit View Phase 4 (Condominium Project), Big Sky (Lexie Partners, LLC, landowner. LDMS, LLC, buyer)

Doris explained that this project pertains to the unfinished commercial building in Big Sky that has been discussed on previous occasions. The developers' intent is to create 6 residential condo units in the existing building and build two additional buildings with 15 condo units each.

Chuck Melber of LDMS explained that they have tried to get the site annexed into the Big Sky Water and Sewer District, but so far have not received affirmation. They are prepared to do wells and septic and an SBI system. They will also plan a 120,000 gallon cistern for water storage for domestic use and fire fighting. They will be taking possession of the property on approximately March 8, then the water/sewer situation may be resolved. Once ownership is in LDMS, they will notify agencies.

Cote Meadows Minor Subdivision, Alder (Miller Cattle Company, landowner)

Staci briefly described the project, which would be located south of Alder off of Judy Lane. Frank Colwell explained the design. There will be 4 lots, but not included on the pivot property. All will have irrigation out of the West Bench Canal.

Discussion Points:

- Couldn't you cross the canal only once, at the existing driveway location?
- The County road needs to be improved. It is not passable in the winter.
- Are there water rights on the subdivision? *Irrigation company will control a single pump and buried mainlines to each lot.*
- You will need Passamari Ditch Users approval for pivot plan.

- How will you divide water rights? *Will have a water company.*
- It would be best to have a single point of diversion for the water.
- There will be 115 acres in irrigation when this is done.
- Peters Ditch is Miller Cattle Co. ditch and will be abandoned.
- Building envelopes haven't been decided upon yet.
- Why would you want to introduce irrigation to this land that has not been previously irrigated? *There is a bad weed problem there.*
- Vicky Kelly- This land has been irrigated within the last 20 years.
- NRCS has some issues with the irrigation up there. *We will talk with Marnie at NRCS.*
- The little lot seems a little "little" from an irrigation standpoint. *It is small because of Judy Lane and the canal.*
- How does this subdivision drastically improve the historic agricultural improvements?
- Is there a greater plan for the property next to the river?

NEW BUSINESS

Planning Board Member Reports

John Lounsbury – Big Sky is growing by leaps and bounds. We need a parttime person in Big Sky. I wonder if the Planning Board would recommend to the County Commissioners that they hire an additional Planning staff member to be located at Big Sky.

Discussion Points

- There was once discussion with Gallatin County about sharing office space.
- We possibly need a compliance officer in Big Sky.
- Is there money in the budget? *Not now.*
- So much of the growth in the county is due to Big Sky, and sometimes Big Sky folks feel as though they don't get much from Madison County.

MOTION: To take a proposal to the County Commissioners to budget for a parttime Planning Office person and operating space for them in Big Sky. Moved by: John Lounsbury, **seconded by:** Dorothy Davis. **All voted aye.**

Planner Report

Doris reported, in addition to what was sent in the mail, that Madison County may get a wind farm proposal for the northeast side of the Norris Hill. It would not be on a ridgeline. Lane said there are a couple of other companies looking at doing wind projects as well.

Questions arose concerning the Norris Hill area as to wildlife connectivity, wind farms and the proposed Bradley Creek Subdivision. Discussion ensued about more effects of and concerns about the subdivision. Opinions were voiced wanting subdividers to have a better plan with less density, more of a sense of community, bigger parcels, and more attention to the wildlife and connectivity issue.

The meeting adjourned at 11:00 p.m. The next Planning Board meeting will be April 2, 2007.

Ann Schwend, President

Marilee Foreman-Tucker, Secretary